

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

No. C 17-00939 WHA

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; and OTTO
TRUCKING LLC,

**ORDER SETTING FURTHER
HEARING ON MOTION TO
STRIKE ASSERTED TRADE
SECRET NUMBER 96**

Defendants.

A further sealed hearing on defendants' motion to strike plaintiff Waymo LLC's asserted trade secret number 96 (Dkt. No. 1108) is set for **SEPTEMBER 6 AT 8:00 A.M.** The undersigned judge is primarily interested in the overlay graph presented in Waymo's offer of proof as to asserted trade secret number 96 purportedly showing similar [REDACTED] (see Dkt. No. 1371-4 at 23–24) and defendants' response thereto (see Dkt. No. 1400). In advance of the hearing, both sides shall file written statements addressing the following:

1. With respect to the specific boards at issue, what focal length lens does each side use? At what angles are the boards tilted relative to the road? How do each of these factors affect [REDACTED]?

2. Provide graphs that compare each side's [REDACTED] on the boards at issue (both facing the same way with the lens to the right) by plotting the actual x and y [REDACTED]. Be sure to show all [REDACTED], not just the overall curves. Be prepared to overlay the plots via computer animations (both with and without "scaling") at the hearing. With respect to any scaling in said animations, if the y axis is scaled up (or down) for one side's [REDACTED], then the x axis for that same side's [REDACTED] must also be scaled up (or down) by that same proportion.

3. Jointly provide an agreed-upon overlay graph that compares each side's [REDACTED] as described above and is scaled up (or down) such that the [REDACTED] for each side fall on the same positions on the y axis, and the x axis is scaled up (or down) by that same proportion. Where do the [REDACTED] fall in such a comparison?

4. Also jointly provide an agreed-upon overlay graph that compares each side's [REDACTED] as described above and is scaled up (or down) and tilted as necessary to exactly align the [REDACTED]. Plot the [REDACTED] accordingly, taking care to use the same scaling for both the y axis and the x axis.

5. Provide graphs for each side's LiDAR design that show the self-driving car and the roadway, and plot the [REDACTED] in each board.

6. Also compare and discuss any similarities or differences between other boards in each side's LiDAR design.

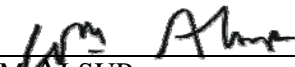
7. How should the theta values for each side's [REDACTED] be compared?

The undersigned judge will have additional questions as the hearing proceeds and counsel would be well-advised to have as many graphs as is reasonably practicable to anticipate his questions. Counsel will also be given a chance to make their own points at the hearing.

This order shall be filed temporarily under seal and unsealed in its entirety after 48 hours unless either side files an administrative motion to keep portions thereof under seal.

IT IS SO ORDERED.

Dated: August 29, 2017.


 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE